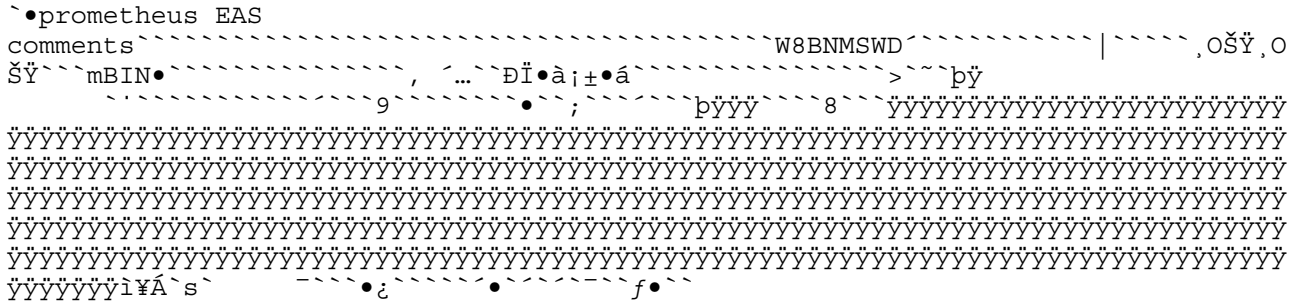

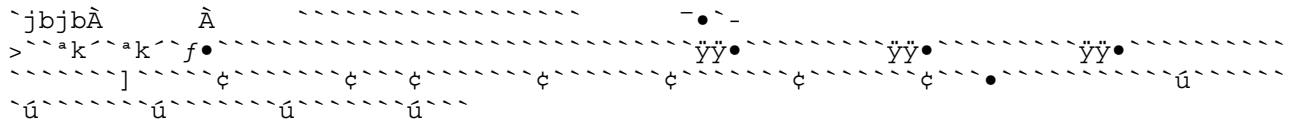

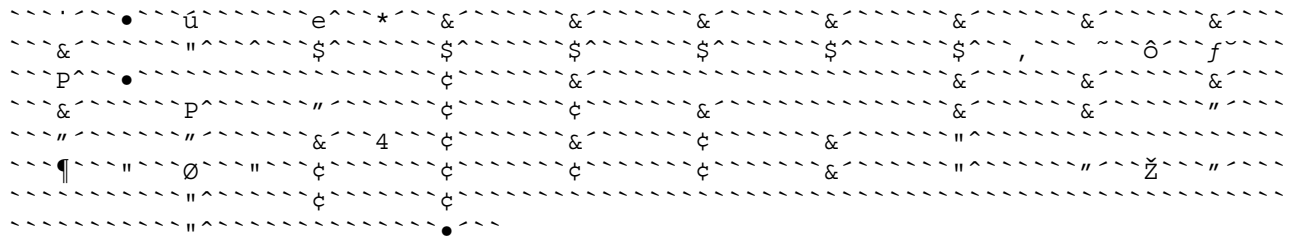

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Magalie Roman Salas
Office of the Secretary,
Federal Communications Commission
445 12th Street, NW
Washington, DC  20554.

In the Matter of Supplemental Comment Sought On National Cable Television Association and Media Access Project Ex Parte Presentation Regarding EAS Decoders

EB 01-66

Comments of the Prometheus Radio Project Regarding the Requirement of Low Power FM Stations to Install Emergency Alert System Decoders.

I write on behalf of the Prometheus Radio Project to ask you to delay implementation of the EAS decoder requirement for low power radio stations. We believe that the market in EAS equipment has not had sufficient time to develop, and raise the question of the necessity of certified equipment in "receive-only" applications.

The Prometheus Radio Project is an organization devoted to promoting democratic access to media channels for all people.  Though we focus on radio, we advocate on behalf of  community access  and public service in all forms of media. Our organization was founded in order to provide free advice for  the thousands of applicants for the low power FM service and to bring the concerns of these groups to the attention of the FCC

In general,  Low Power Applicants are eager to comply with the FCC EAS decoder requirement. As evidenced by their descriptions of the missions of their organizations on their application form,  many low power applicants look forward to providing their communities with a source of information in emergencies. Low power broadcasters do not shirk the responsibilities of being a trustee of broadcast spectrum.

The FCC made a good decision when the agency required the use of EAS decoders, rather than encoder/decoder combination units. While we believe that a decoder requirement is reasonable, the encoder/decoder units available  are clearly excessive. As the Report and Order stated in FCC 00-19, section 195 :
" We believe that the cost  to LPFM licensees  of installing and operating both encoding and decoding equipment outweighs the benefits that these small stations could provide to the public. "

In section 196, it further states:
"We note that today's manufacturers only produce  certified encoders and decoders as integrated units, as that is the only demand that exists. Non-certified equipment, however, is currently available  and is advertised in some places for as little as $650. Thus, it appears that Commission-certified decoding equipment should be available for well under $1000 and should be able to reach the market in the near future. "

This was a sound decision, but in the limited time since the original passage of the Low Power FM service, the scenario described has not come to pass. Unfortunately, the manufacture of Emergency Alert systems units does not appear to be a very competitive market. While there are dozens of companies competing in the low power transmitter market, an internet search for EAS brought up dozens of governement pages describing public safety EAS plans, but only two web pages that had EAS equipment for sale. Similar searches of Radio World magazine, Radio Shopper, and Broadcast.net yielded a similarly slim field of competitors.

By mandating that all radio stations (including low power broadcasters) purchase EAS systems, the Commission creates a captive market. This market, at this moment, is not performing as an ideal market. Manufacturers may hope to be spared the expense of developing and marketing a new unit, in the hopes that the Commission will simply require the hundreds of new low power licencees to purchase units that are already available. These are packaged with twice the necessary equipment, and at twice the reasonable price.

We feel that the market has not been given time to function properly. Only about 150 out of the 3200 lpfm applicants have received construction permits to date, and only 5 or 6 are actually broadcasting. The EAS industry has not felt the demand for decoder units yet. Due to the regulatory uncertainty induced by the Radio Broadcasting Preservation Act of 2000, manufacturers were unwilling to invest in a market that they were not sure would materialize.

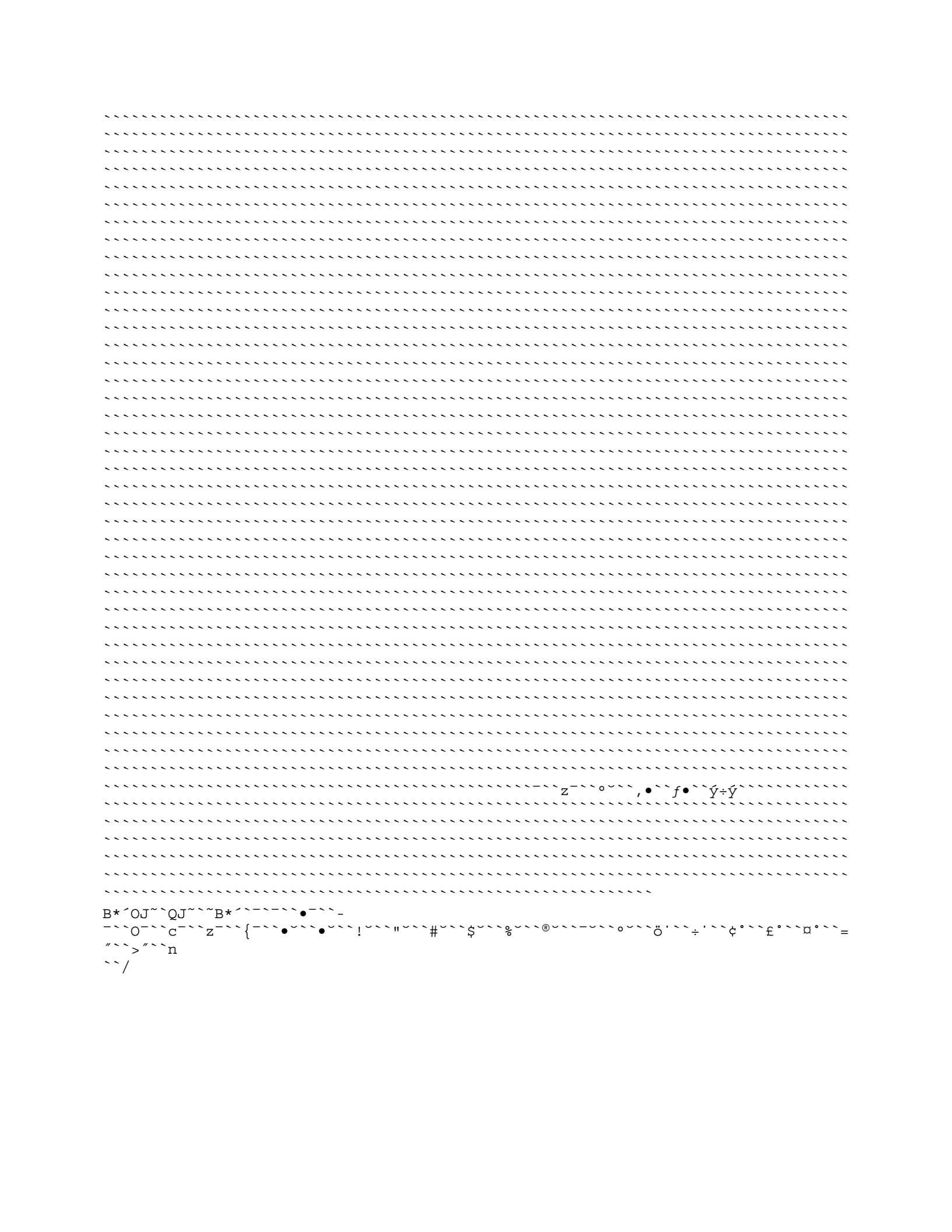
We recommend that the FCC delay judgement on this issue and suspend the requirement until the low power radio service and the industry that services it matures. We recommend that two years from this date, the FCC should re-evaluate whether genuine competition has emerged in the EAS manufacturing sector. We see little public harm in waiting before implementing the requirement on LPFMs, because we do not expect low power FMs to account for a significant part of the listening audience for several years. Due to the public-minded, community oriented nature of these organizations, we believe that most of them will have live airstaff, which will be much more responsive to emergencies than the computer driven, profit grabbing jukeboxes that most stations are these days.

The proper working of markets can often be distorted by abrupt requirements from regulatory agencies. We believe that the industry will eventually rise to the occasion and build a unit suitable for use by LPFMs, and price it appropriately.

In the event that the industry does not, the Commission should weigh the necessity for FCC certification of these units. Since decoders do not emit RF energy, an uncertified decoding device would not create any risk of spurious emissions. The only advantage of FCC type verification would be to insure that the unit works as it is specified in receiving messages: but this will be patently obvious to the purchaser of such equipment. The FCC has no parallel certification for mixing consoles, despite the fact that they are similarly "mission critical" to the proper function of the station and the delivery of emergency alert messages. Thus we believe that the certification requirements for decoders are "vestigial" from the common practice of packaging them with encoders, and are not truly necessary. Without the barrier to entry created by certification, perhaps the market will work more effectively to match price with value in EAS systems.

We thank you for your time and consideration of our comments on this matter.

Pete Tridish
Prometheus Radio Project



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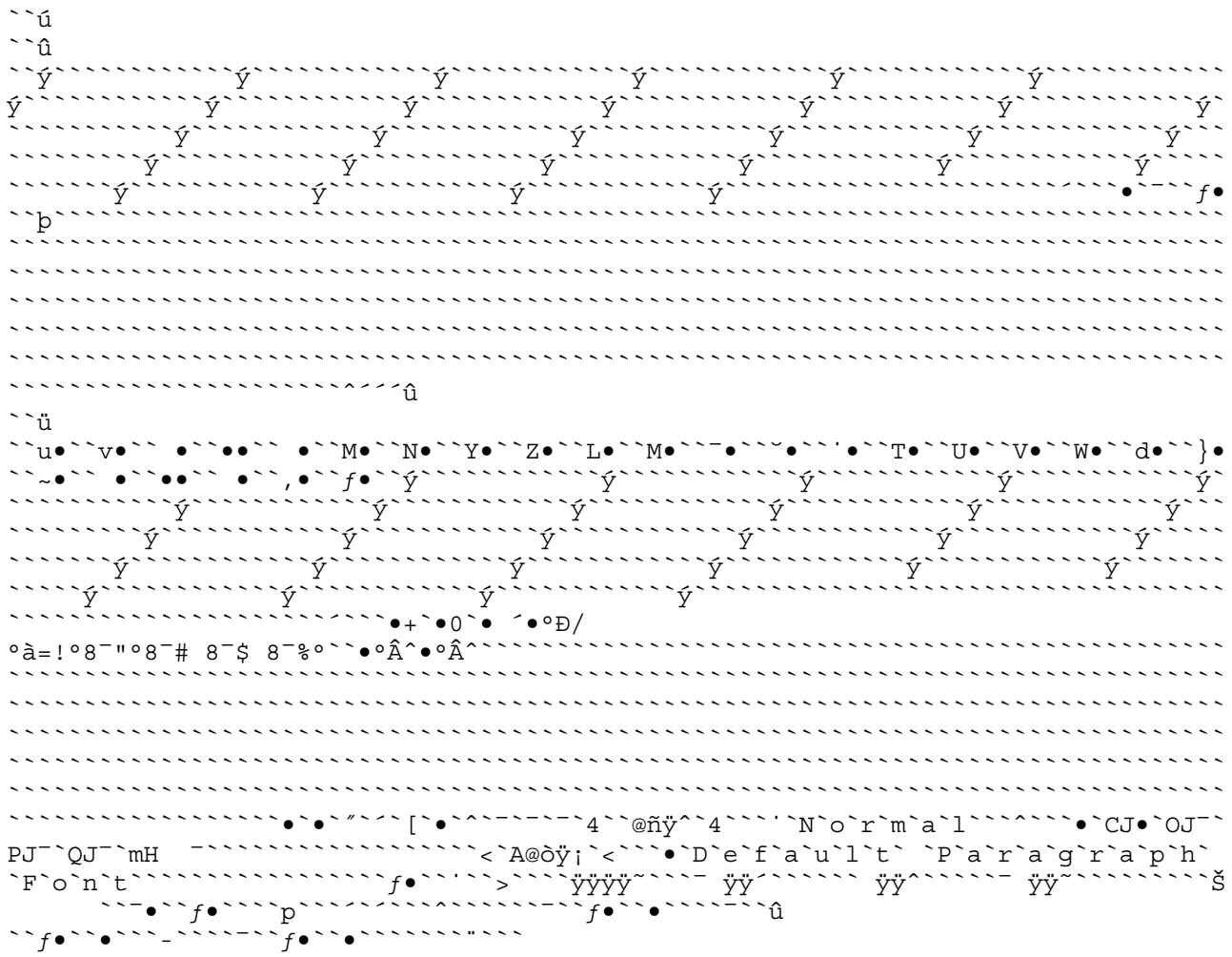

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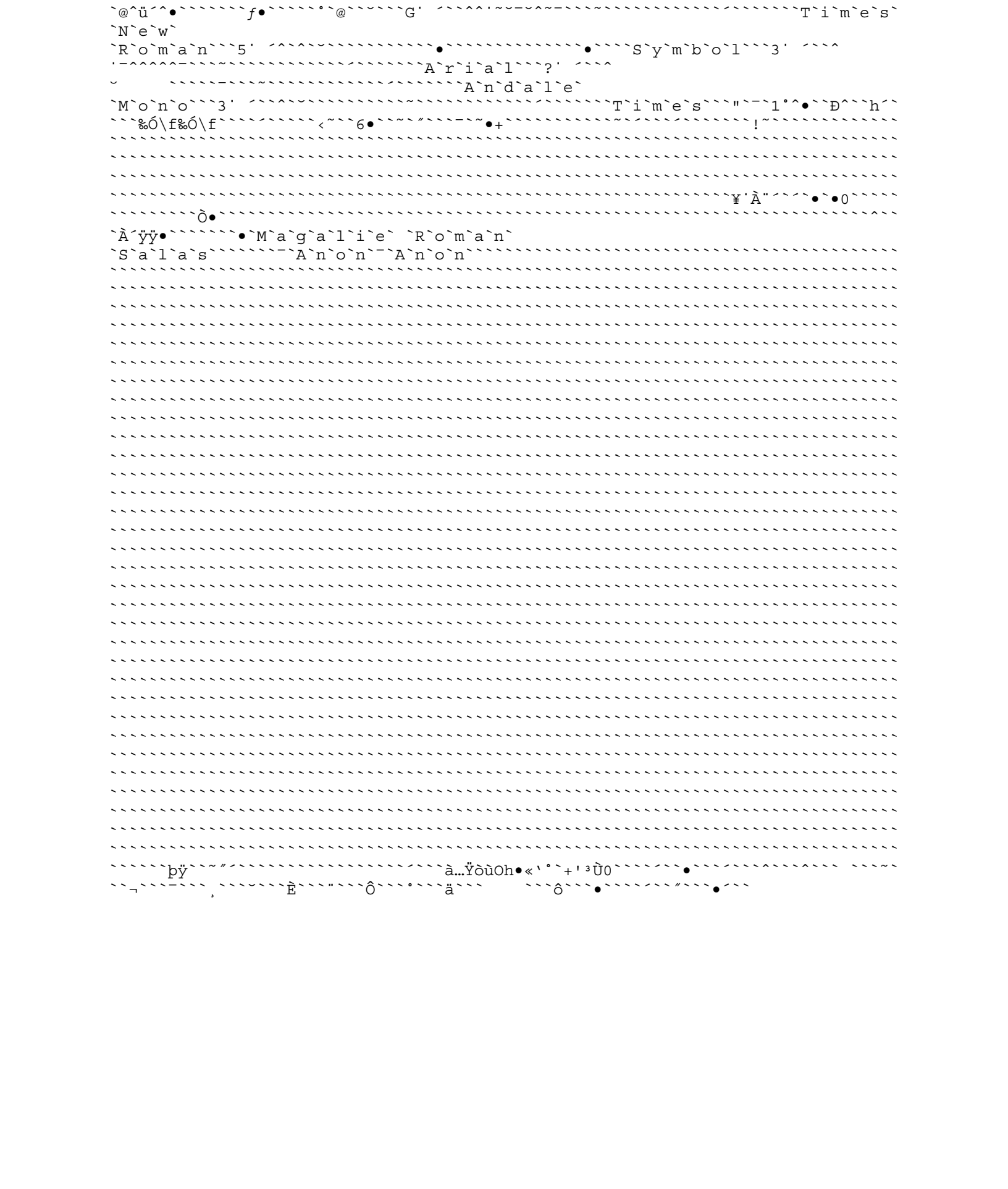

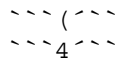

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# Title

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